

REMARKS

This is in response to the Office Action mailed on November 24, 2004, in which the Examiner withdrew claims 27-42 from consideration, and rejected claims 1-26. With this Amendment, Applicant has amended claim 1 and cancelled claims 27-42.

In Section 7 of the Office Action, claims 1-26 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention because it is unclear as to what type of method Applicant intends to claim. Applicant has amended the preamble of claim 1 to describe the method with more specificity. Applicant respectfully submits that claim 1 meets the requirements of 35 U.S.C. §112 and requests that the rejection be withdrawn.

Next, the Office Action stated that claims 9 and 22 are indefinite because it is unclear what one of ordinarily skilled in the art would consider as high and low pressure. Applicant notes that claims 9 and 22 recite "respectively generating relatively high and low pressures at an inlet and an outlet". Applicant submits that claims 9 and 22 are not indefinite as it would be clear to one of ordinary skill in the art that the high and low pressures are relative to each other and respective to an inlet and an outlet. That is, the inlet is at a pressure that is greater than the low pressure of the outlet. Accordingly, Applicant submits that claims 9 and 22 meet the requirements of 35 U.S.C. §112 and request that the rejection be withdrawn.

Next, the Office Action stated that claims 12-13 and 24-25 are indefinite because it is unclear what one of ordinary skill in the art would consider as foam-like. Applicant notes that creation of a foam-like aerated cleaning liquid is described in the specification beginning on page 25, line 19. In particular, a foam-like aerated cleaning liquid is described as a

"foamed cleaning liquid" (page 25, line 28 - page 26, line 7), which is relatively wet as compared to that produced in carpet cleaners (page 30, line 28 - page 31, line 18). Applicant submits that, when read in light of the specification, the meaning of "foam-like aerated cleaning liquid" recited in claims 12-13 and 24-25 is clear to one of ordinary skill in the art and is not indefinite. Accordingly, Applicant respectfully submits that claims 12-13 and 24-25 meet the requirements of 35 U.S.C. §112 and request that the rejection be withdrawn.

Further, claims 7 and 22 were stated as being indefinite because it is unclear what one of ordinary skill in the art would consider as a labyrinthine fluid flow path. One example of a labyrinthine fluid flow path is described in the specification as one or more drip irrigators (page 18, lines 17 - 22). Applicant submits that the exemplary labyrinthine fluid flow path is sufficient to allow one skilled in the art to understand the intended meaning. Accordingly, Applicant respectfully submits that claims 7 and 20 meet the requirements of 35 U.S.C. §112 and requests that the rejection be withdrawn.

Further, the Office Action states that claims 1 and 23 are indefinite because it is unclear what one of ordinary skill in the art would consider as a primary cleaning liquid. Applicant submits that the specification is clear that the primary cleaning liquid is a liquid that is mixed with the cleaning agent. The specification describes one embodiment of the primary cleaning liquid component as water (page 12, line 23-25). Accordingly, Applicant submits that the term "primary cleaning liquid" is clear to one skilled in the art when read in light of the specification. Applicant respectfully submits that claims 1 and 23 meet the requirements of 35 U.S.C. §112 and requests that the rejection be withdrawn.

In Section 9 of the Office Action, claims 1-5 and 7-14 were rejected under 35 U.S.C. §102(e) as being anticipated by

Field et al. (U.S. Patent No. 6,735,811). Field et al. claim priority to U.S. Provisional Application Serial No. 60/308,773, filed on July 30, 2001. Applicant notes that the present application also claims priority to U.S. Provisional Application Serial No. 60/308,773. Accordingly, Applicant submits that Field et al. does not qualify as prior art under 35 U.S.C. §102(e) as it was not filed before the invention by Applicant. Therefore, Applicant respectfully submits that the rejection of claims 1-5 and 7-14 under 35 U.S.C. §102(e) is improper and requests that the rejection be withdrawn.

In Section 13 of the Office Action, claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Field et al. in view of Keepers et al. (U.S. Patent No. 6,017,163). Applicant respectfully submits that, as mentioned above, Field et al. does not qualify as prior art under 35 U.S.C. §102(e) as it was not filed before the date of Applicant's invention.

Even if the Examiner maintains that Field et al. is prior art to the present application under 35 U.S.C. §102(e), Applicant submits that Field et al. is disqualified as prior art to the present application. 35 U.S.C. §103(c) states that

the subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of §102 of this title, shall not preclude patentability under the section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This change to 35 U.S.C. §103(c) applies to patent applications filed on or after November 29, 2000. Applicant notes that the present application was filed July 30, 2001 and both Field et al. and the claimed invention were assigned, or were at least under an obligation to be assigned, to Tennant Company of Minneapolis, Minnesota at the time the invention was made. As a result, Applicant asserts that Field et al. is disqualified as

prior art to the present invention and requests that the rejection of claim 6 be withdrawn.

In Section 14 of the Office Action, claims 15-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Field et al. in view of Koland et al. (U.S. Patent No. 3,456,279). For the same reasons mentioned above, Applicant submits that Field et al. is either not prior art to the present application under 35 U.S.C. § 102(e) or is disqualified as prior art. Therefore, Applicant requests that the rejections of claims 15-26 be withdrawn.

In view of the foregoing, Applicant respectfully requests that the rejection of all remaining pending claims, namely claims 1-26 be withdrawn. Reconsideration and allowance of all pending claims is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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